

Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044

Members present: Chairman Rick Butler, Co-chairman Jack Baker, Doug Andrew, and Secretary Meredith Bolduc. Mr. Boisvert joined the meeting at 8:15 pm.

Mr. Butler called the meeting to order at 7:30 p.m. then called the roll.

Mrs. Bolduc explained that she had e-mailed the Public Notices for publication of all three of tonight's Hearings to the Seacoast News for the September 9, 2005 edition and received a return reply, but that for some reason only one, the Fremont Motor Sports Variance notice, was actually published. Both Dakota Realty Trust and Edward Gibbs notices will be published in the September 23, 2005 Seacoast News. She reported that according to RPC the hearings can be opened and continued to a date certain to allow time for them to be published.

It was agreed to go directly to the scheduled Public Hearing and take care of any Board business when the Hearing was finished.

Case # 05-010
Dakota Realty Trust
Map 1 Lot 035-18
EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

Present: Representing surveyor Tim Lavelle of Lavelle Associates

Mr. Butler opened this Public Hearing at 7:30 pm.

Mr. Butler explained the purpose of the Board and the procedure for an Equitable Waiver of Dimensional Requirements and read the Public Notice of the Hearing which read as follows:

In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:30 pm on Tuesday September 20, 2005 at the Fremont Town Hall for Dakota Realty Trust for 19 Dakota Drive, Map 1 Lot 035-18, Fremont NH.

The applicant is seeking an Equitable Waiver of Dimensional Requirements from the terms of Article IV Section 1 as set forth in the Town of Fremont Zoning Ordinances to allow an existing duplex building to continue to be located in it's current location thirty one and one third (31.3') feet from the street property line.

It was noted that this hearing was noticed on August 23, 2005 at the Fremont Post Office and Fremont Town Hall. The applicant and all abutters were notified via certified mail on August 23, 2005 and all returns have been received.

Mr. Butler explained that this Public Hearing was slated to run in the September 9, 2005 edition of the Rockingham News, but due to a notification error relative to proper newspaper notice, this Public Hearing did not receive the required five (5) days newspaper notice and will be continued to a date certain.

With no further discussion, Mr. Baker made the motion to continue this Public Hearing to 7:30 pm. on October 4, 2005.

Motion seconded by Mr. Andrew with unanimous favorable vote.

At 8:15 Mr. Andrew made the motion to allow Mr. Boisvert to vote on any issue to come before the Board at tonight's meeting.

Motion seconded by Mr. Baker with unanimous favorable vote.

REGULATIONS

There was a general discussion relative to the Zoning Regulations. The Board reviewed the NH Municipal Association Legislative Bulletin specifically " Legal Questions and Answers" and "Board's Process Important When Rendering Adjudicative Decisions".

Case # 05-011
Edward Gibbs
MAP 3 LOT 117

Present: Owner Edward Gibbs, Representing surveyor Tim Lavelle of Lavelle Associates and abutter Wendy Downing.

Mr. Butler opened this Public Hearing at 8:15 p.m.

Mr. Butler explained the purpose of the Board and the procedure for a Variance and read the five conditions which a majority of the Board must be in agreement with in order for

the Board to grant a Variance. He read the Public Notice of the Hearing which read as follows:

In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 8:15 pm on Tuesday September 20, 2005 at the Fremont Town Hall for Edward Gibbs for 453 Main Street, Map 3 Lot 117, Fremont NH.

The applicant is seeking a Variance from the terms of Article XI Section E-4-i as set forth in the Town of Fremont Zoning Ordinances to allow the operation of an automotive restoration facility within the Aquifer Protection District.

It was noted that this hearing was noticed on August 23, 2005 at the Fremont Post Office and Fremont Town Hall. The applicant and all abutters were notified via certified mail on August 29, 2005 and all returns have been received.

Mr. Butler explained that this Public Hearing was slated to run in the September 9, 2005 edition of the Rockingham News, but due to a notification error relative to proper newspaper notice, this Public Hearing did not receive the required five (5) days notice and will be continued to a date certain.

The members agreed that a site visit could be scheduled. Mr. Andrew made the motion to visit the site at 6:30 pm on Friday September 23, 2005.

Motion seconded by Mr. Baker with unanimous favorable vote.

Mr. Baker made the motion to continue this Public Hearing to the site visit on September 23, 2005 at 6:30 pm and to October 4, 2005 at 8:15 pm.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

NATURAL RESOURCES OUTREACH COALITION (NROC)

The Board received a September 19, 2005 correspondence from Conservation Commission member Janice O'Brien asking for a contact person and representation from the ZBA for a presentation of the NROC grant. This is a grant that the Conservation Commission has voted to pursue. In her correspondence Mrs. O'Brien explained that the grant is assistance for communities in the coastal watershed dealing with the effects of growth, particularly the effects of growth on the natural resources. NROC would provide ongoing assistance in developing and implementing an action plan including education workshops for officials and residents and guidance to sources of financial and other assistance.

The Board collectively agreed that they are interested in participating in the program and attending the presentation. There was interest in topics including Wildlife Habitat, Land Conservation and Financial Implications, Smart Growth and Minimum Impact Development.

Case # 05-012
FREMONT MOTOR SPORTS
MAP 2 LOT 135-1

Present: Owners Ron and Dave Lambert, John Hennelly, Abutters Regina Riverzzo Mary and James Valentine. Also present Linda Bimbo, president of the Pitch Pine Village Condo Association and Valene Rogers.

Mr. Butler opened this Public Hearing at 9 p.m.

Mr. Butler explained the purpose of the Board and the procedure for a Variance and read the five conditions which a majority of the Board must be in agreement with in order for the Board to grant a Variance. He read the Public Notice of the Hearing which read as follows:

In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 9:00 pm on September 20, 2005 at the Fremont Town Hall for Fremont Motor Sports, David Lambert, 810 Main Street, Map 2 Lot 135-1, Fremont NH.

The applicant is seeking a Variance from Article XI Section E-4 of the Fremont Zoning Ordinance to allow the expansion of an existing motorcycle repair shop, which would include the erection of a thirty (30) X sixty (60) foot steel building, in the Aquifer Protection District.

It was noted that this hearing was noticed on September 1, 2005 at the Fremont Post Office and Fremont Town Hall and in the September 9, 2005 edition of the Rockingham News.

The applicant and all abutters were notified via certified mail on September 1, 2005 and all returns have been received. The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters. The application also included an August 22, 2005 letter from the Building Inspector Thom Roy reflecting that the applicant is in non-compliance with Zoning Article XI Section E-4-1 with his proposal to utilize a portion of Map 2 Lot 135-1 for the purpose of a motorcycle repair shop. The parcel is located within the Aquifer Protection District which prohibits the use of automobile service and repair shops, junk and salvage yards.

Mr. Butler related that there is not a full Board present and gave the applicant the option of waiting for a full Board for a decision. The applicant opted to have a full board present for a decision.

Mr. Butler read Article XI Section E-i – *The following uses are prohibited in the Aquifer Protection Zone except where permitted to continue as a non-conforming use: i – Automotive service and repair shops, junk and salvage yards.*

The members and those present viewed the plan presented.

Mr. Baker stated that he would like to do a site visit. The Board members agreed to meet at the site at 9 am on October 1, 2005.

After some discussion relative to time and date, Mr. Baker made the motion to continue this Public Hearing to the site at Map 2 Lot 135-1, at 9 am on October 1, 2005 and to the Fremont Town Hall at 7:30 pm on October 25, 2005.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

MINUTES

The Board received and reviewed a September 2, 2005 correspondence from Tom Waters relating that the minutes pertaining to his August 30, 2005 case did not contain comments made by Mr. Knee.

Mr. Baker made the motion to amend the August 30, 2005 meeting minutes by adding to page 5 paragraph 2 under “Waters” “Mr. Knee stated that two homes would contaminate more than a four family condo”.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Mr. Baker made the motion to accept the August 30, 2005 meeting minutes as amended.

Motion seconded by Mr. Andrew with unanimous favorable vote.

Mr. Andrew made the motion to adjourn at 9:55 p.m.

Motion seconded by Mr. Baker with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Clerk

cc: SO, TC, PB, CC, RA, BI, HO, PD, FD ZBA files